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"I Erensia, Lina'la', Espiritu-ta"

FILED
DISTRICT COURT OF GUAM

JUL 14 2004 CP 3:10

MARY L. M. MORAN
CLERK OF COURT

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Attorneys for Petitioners

DISTRICT COURT OF GUAM TERRITORY OF GUAM

JULIE BABAUTA SANTOS, *et al.*,

Petitioners,

vs.

FELIX A. CAMACHO, etc., *et al.*,

Respondents.

CIVIL CASE NO. 04-00006

**PETITIONER'S RESPONSE TO
APPLICANT FOR INTERVENTION'S
MOTION TO VACATE THE
OBJECTION AND OPT OUT DATE
AND THE HEARING DATE FOR FINAL
APPROVAL OF THE SETTLEMENT
AGREEMENT**

Applicant for Intervention Charmaine R. Torres filed a motion to vacate the August 9, 2004 "Objection and Opt Out Date" in connection with the proposed Settlement Agreement in this class action. The Applicant for Intervention also moved the Court to vacate the September 9, 2004 hearing date for final approval of the Settlement Agreement. The Petitioner, individually and on behalf of all those similarly situated (hereinafter "EIC Class"), through her attorneys of record Phillips and Bordallo, P.C., by Michael F. Phillips, now provides this response.

ORIGINAL

1 The Petitioner filed a motion today for an order appointing class counsel, or, in
2 the alternative, for an order designating interim counsel; for an order preliminarily
3 approving the granting of attorneys' fees; for an order approving additional notice to the
4 proposed class members; and for an order continuing the hearing on final approval of
5 the settlement agreement to November 9, 2004 and extending the "Objection and Opt
6 Out Date", as defined in the Settlement Agreement, to October 8, 2004 ("Pet.'s Motion").

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8 The Applicant for Intervention asserted that because of the hearing scheduled by
9 this Court for August 2, 2004, pending resolution of Petitioner's request for a short
10 continuance, to hear assertions made by Applicant for Intervention Torres and Applicant
11 for Intervention Christina M.S. Naputi, the Applicant's interests may be prejudiced as it
12 concerns her decision to "opt out" of the settlement class by the deadline of August 9,
13 2004. See Applicant for Intervention's Motion, Par. 6 ("Applicant and the class she
14 represents should not be forced to make the decision to opt-out of the class until the
15 Court has had the benefit of Applicant's views and positions regarding the proposed
16 settlement.").

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18 Petitioner's motion to continue the hearing on final approval to November 9,
19 2004, and to extend the "Objection and Opt Out Date" to October 8, 2004, together with
20 requests for approval of additional notices to be sent to all putative members of the EIC
21 Class, if granted by this Court, would alleviate the concerns set forth to this Court by the
22 Applicant for Intervention. Regardless of the outcome of pending motions to intervene
23 in this class action, all putative members of the EIC Class would have additional and
24 sufficient time to make the decision on whether or not to opt out of the EIC Class. In
25 addition, by requesting this Court to vacate the hearing on final approval of the
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1 Settlement Agreement and the "Objection and Opt Date", and to revisit the scheduling
2 of such dates after the motions to intervene are resolved, rather than continuing and
3 extending such dates as requested by Petitioner and stipulated by the Government of
4 Guam, Applicant for Intervention seeks to further delay the completion of settlement
5 proceedings in this class action.
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7 For the foregoing reasons, Petitioner opposes the Applicant for Intervention's
8 Motion to vacate the hearing on final approval of the Settlement Agreement and the
9 "Objection and Opt Out Date", and instead respectfully requests this Court to provide
10 the alternative relief requested by Petitioner's motion to continue the hearing on final
11 approval of the Settlement Agreement to November 9, 2004, and to extend the
12 "Objection and Opt Out Date" to October 8, 2004. Establishing these dates, along with
13 the approval of the additional notice requested in Petitioner's motion, will allow
14 Petitioner and the Government of Guam to proceed immediately with the publication of
15 the amended notice and the distribution through the mail of individual notices to putative
16 members of the EIC Class. See Pet. Motion, p. 24-25. The individual mailing will be
17 completed by no later than August 9, 2004, thereby giving putative class members at
18 least sixty (60) days from the date of receiving individual notices to provide written
19 objections to the proposed settlement or to opt out of the class.
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21 Respectfully submitted this 14th day of July, 2004.
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23 PHILLIPS & BORDALLO, P.C.
24 Attorneys for Petitioner

25 By: 
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27 Michael F. Phillips
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